

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JANICE R. BROWN and U.S. POSTAL SERVICE,
POST OFFICE, Chicago, IL

*Docket No. 99-1746; Submitted on the Record;
Issued August 14, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant met her burden to establish that she sustained an occupational disease causally related to factors of her federal employment.

On October 7, 1998 appellant, then a 37-year-old clerk, filed a notice of occupational disease alleging that she suffered carpal tunnel syndrome as a result of her federal employment. Appellant stated that she became aware of her disease on September 19, 1998 and that it was caused or aggravated by her employment on September 21, 1998. She indicated that she was experiencing tingling, numbness and pain in her hand and fingers.

On November 6, 1998 the Office of Workers' Compensation Programs requested additional information, including a comprehensive medical report explaining how appellant's federal employment contributed to her injury. Appellant was allowed 30 days to respond.

Appellant subsequently submitted an October 16, 1998 report from Dr. Young C. Jough, a physician Board-certified in physical medicine and rehabilitation, who noted that appellant had experienced numbness and tingling in both hands for the past month. His physical examination revealed a decreased pinprick on both distal median nerve distributions. He conducted both electromyography and nerve conduction studies. Following these tests, he noted normal muscles, but that the distal latencies of the median sensory and motor nerves were prolonged, bilaterally. Dr. Jough diagnosed bilateral carpal tunnel syndrome with the right root involved. He did not address whether appellant's federal employment caused the diagnosed condition.

In a letter received December 5, 1998, appellant described the history of her duties with the employing establishment and described how those duties contributed to her carpal tunnel syndrome.

On December 14, 1998 the Office again wrote appellant explaining that her claim would be denied unless she submitted a comprehensive medical report with medical reasons addressing

the cause of the diagnosed condition. Specifically, the Office requested that a physician explain how her federal employment contributed to her condition.

By decision dated January 7, 1999, the Office denied appellant's claim because the medical evidence was insufficient to establish that her condition was caused by her federal employment.

The Board finds that appellant did not meet her burden of proof to establish that she sustained an occupational disease causally related to factors of her federal employment.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.¹ The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence.² Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant,³ must be one of reasonable medical certainty,⁴ and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁵

In the instant case, appellant has failed to submit medical evidence establishing that the diagnosed condition is causally related to any employment factors. Dr. Jough, a physician Board-certified in physical medicine and rehabilitation, diagnosed bilateral carpal tunnel syndrome with the right root involved. Dr. Jough, however, failed to address the cause of this condition or whether it stemmed from factors of appellant's federal employment. The Office advised appellant of the deficiency of this evidence, but she failed to submit additional medical reports. Accordingly, appellant failed to meet her burden of proof.

¹ See *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

² The Board held that, in certain cases, where the causal connection is obvious, expert testimony may not be necessary; see *Naomi A. Lilly*, 10 ECAB 560, 572-73 (1959). The instant case, however, is not one of obvious casual connection.

³ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁴ See *Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁵ See *James D. Carter*, 43 ECAB 113 (1991); *George A. Ross*, 43 ECAB 346 (1991); *William E. Enright*, 31 ECAB 426, 430 (1980).

The decision of the Office of Workers' Compensation Programs dated January 7, 1999 is affirmed.

Dated, Washington, D.C.
August 14, 2000

Michael J. Walsh
Chairman

David S. Gerson
Member

Willie T.C. Thomas
Member